

ID — For Official Use Only																
C															T/A	C
W																1

X. Description of Hazardous Wastes (continued from front)

A. Hazardous Wastes from Nonspecific Sources. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from nonspecific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
7	8	9	10	11	12

B. Hazardous Wastes from Specific Sources. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

C. Commercial Chemical Product Hazardous Wastes. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48

D. Listed Infectious Wastes. Enter the four-digit number from 40 CFR Part 261.34 for each hazardous waste from hospitals, veterinary hospitals, or medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54

E. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.21 — 261.24)

☐ 1. Ignitable
(D001)

☐ 2. Corrosive
(D002)

☐ 3. Reactive
(D003)

☐ 4. Toxic
(D000)

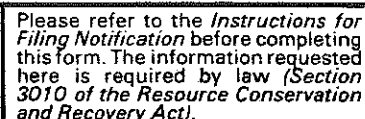
XI. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature

Name and Official Title (type or print)

Date Signed



Comments

Date Received
(yr. mo. day)

Street or P.O. BoxCity or TownStreet or Route NumberCity or TownName and Title (last, first, and job title)Phone Number (area code and number)

A. Name of Installation's Legal Owner

B. Type of Ownership (enter code)

A. Hazardous Waste Activity

B. Used Oil Fuel Activities

☐ 6. Off-Specification Used Oil Fuel
(enter 'X' and mark appropriate boxes below)

☐ a. Generator Marketing to Burner

☐ b. Other Marketer

☐ c. Burner

☐ 7. Specification Used Oil Fuel Marketer (or On site Burner)
Who First Claims the Oil Meets the Specification

☐ A. Utility Boiler☐ B. Industrial Boiler☐ C. Industrial Furnace☐ A. Air ☐ B. Rail ☐ C. Highway ☐ D. Water ☐ E. Other (specify) _____

Mark 'X' in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA ID Number in the space provided below.

C. Installation's EPA ID Number

ID — For Official Use Only													
C												T/A	C
W													1

X. Description of Hazardous Wastes (continued from front)

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43	44	45	46	47	48

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49	50	51	52	53	54
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E. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.21 — 261.24)

☐ 1. Ignitable
(D001)

☐ 2. Corrosive
(D002)

☐ 3. Reactive
(D003)

☒ 4. Toxic
(D000)

XI. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature

Name and Official Title (type or print)

Date Signed

* Lynn-Mitchell
* Notification completed by RCRA Enforcement
Section (Jim Calise 353-7992)

STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT
OFFICE OF

COMMISSIONER OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,

Complainant,

v.

BLUE LAKE, INC., JACK D. AND
BEVERLY HURT, DAIMLERCHRYSLER f/k/a
CHRYSLER CORPORATION,
INDIANAPOLIS FOUNDRY, KENNETH SMOCK
ASSOCIATES, INC., THOMAS M. FANSLER, JR.

Respondents.

MAR 19 1999

ENVIRONMENTAL ADJUDICATION

Cause No. N-238

AGREED ORDER

The Commissioner and the Respondents, desire to settle and compromise this action without hearing or adjudication of any issue of fact or law. Additionally, the parties desire to facilitate and encourage the future beneficial reuse and redevelopment of the Blue Lake site that is the subject of this action, by having the site addressed in a manner that is fully protective and that allows for flexibility in the manner of closing the site, and by not taking actions that would create any stigma to the site. Accordingly, the parties hereby consent to the entry of the following Findings of Fact and Order. This document shall not constitute an admission of liability by any party hereto.

FINDINGS OF FACT

Upon the consent of the parties hereto, the following findings are made:

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management (hereinafter referred to as "IDEM"), a department of the State of Indiana created by IC 13-7-2-11.

INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY
P.O. BOX 6015
INDIANAPOLIS, INDIANA 46206-6015

2. Complainant has jurisdiction over the Respondents and the subject matter of this action.
3. The Respondents are Blue Lake, Inc. and DaimlerChrysler f/k/a Chrysler Corporation ("Chrysler Corporation"), both companies authorized to do business in Indiana, which operate places of business at Indianapolis, Indiana, Kenneth Smock Associates, Inc. and Jack D. and Beverly Hurt. Chrysler Corporation's EPA identification number is IND 087 032 611. Blue Lake, Inc.'s EPA identification number is IND 046 107 157.
4. Respondent Blue Lake, Inc. and Jack D. and Beverly Hurt own property upon which a solid fill site is and at all times material hereto was operated. The solid fill site is commonly referred to as Blue Lake ("the Facility") and is located in a part of the Southwest Quarter of Section 9 and a part of the Northwest Quarter of Section 16, all in Township 15 North, Range 3 East, Marion County, Indiana. The Blue Lake Site is defined by the document attached to and incorporated into this Agreed Order as Exhibit A.
5. On August 7, 1985, Ralph C. Pickard, Technical Secretary of the Environmental Management Board of the State of Indiana, issued a "Complaint, Notice of Hearing, and Proposed Final Order" to the Respondents under Cause Number N-238.
6. On April 1, 1986, the powers and duties relative to issuance of Complaints and initiating enforcement actions for violations of the Environmental Management Act (IC 13-7 et seq.) and the rules duly promulgated thereunder were transferred to the Commissioner of the

Indiana Department of Environmental Management by P.L. 143, Acts of 1985, P.L. 112, Acts of 1986 and P.L. 118, Acts of 1986. Those powers and duties were further amended in P.L. 160, Acts of 1987.

7. Pursuant to IC 13-7-11 and based on investigations of Chrysler Corporation, Indianapolis Foundry, conducted on February 12, 1985, and the Facility, conducted on February 15, 1985, by the Office of Solid and Hazardous Waste Management (OSHWM) of the IDEM, IDEM alleges that the Respondents violated the Indiana Hazardous Waste Management Program, IC 13-7 et seq., and 329 IAC 4.1 and 320 IAC 4. Subsequent to the above-noted inspections, the Indiana Hazardous Waste Management Rules were recodified under 329 IAC 3.1. Federal regulations found in 40 CFR 260 through 270 have been incorporated in the Indiana rules. Where exceptions to incorporated Federal regulations are necessary, the exceptions will be noted in the text of 329 IAC 3.1-1-7.
8. On June 28, 1987, Nancy A. Maloley, Commissioner of the IDEM, issued a "Notice of Violation, Amended Complaint and Order." Said document, and the 1985 Complaint referenced in Finding number 5 above, contain Findings of Fact. These findings, while not admitted by Respondents, are alleged as an underlying basis for the Commissioner's claims in this proceeding.
9. The Notice of Violation, Amended Complaint and Order of June 28, 1987 is supplemental to and an amendment of the Complaint issued on August 7, 1985.

10. Based on an investigation of Chrysler Corporation, Indianapolis Foundry on February 12, 1985, and of Blue Lake, Inc. on February 15, 1985, by the OSHWM, IDEM alleges that hazardous waste (D006 and D008 wastewater treatment sludge) from Chrysler Corporation was being deposited prior to February 20, 1984, at the Facility. Given that Blue Lake, Inc. allegedly received hazardous waste for deposition at the Facility without having received a hazardous waste management permit pursuant to IC 13-7 and 329 IAC 3.1-13, IDEM alleges Respondents Blue Lake, Inc. and Jack D. and Beverly Hurt are responsible for closure of the Facility pursuant to 329 IAC 3.1-9 and 40 CFR Part 264.
11. Violations alleged against the Respondent Chrysler Corporation are limited to disposal of hazardous waste at the Blue Lake site. As part of resolution of this matter Chrysler Corporation has agreed to undertake remediation, closure, and post-closure activities at the Blue Lake site. The IDEM recognizes that by entering into this Agreed Order, Chrysler is assuming only those legal requirements that are specifically set forth in this agreement.
12. An excavation associated with the storm water detention basin is located on the Blue Lake Site. Storm water basin piping will be installed through the Blue Lake Site. Soil stockpiled on the Blue Lake Site from the excavation of the storm water detention basin and soils related to the piping installation will be retained on site and used to backfill the excavation. The soil stockpile and backfill will be addressed through this Agreed Order.

13. Pursuant to IC 13-7-11-2(b), IDEM issued a Notice of Violation via Certified Mail to:

Mr. J. D. Hurt, President and Resident Agent
Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Mr. Thomas M. Fansler, Jr., President and Resident Agent
Kenneth Smock Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241

C.T. Corporation, Resident Agent
Chrysler Corporation
One North Capitol Avenue
Indianapolis, IN 46204

Jack D. Hurt
c/o Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Mr. H. K. Sperlich, President
Chrysler Corporation
12000 Chrysler Drive
Highland Park, MI 48203

Thomas M. Fansler
c/o Kenneth Smock Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241
Beverly Hurt
c/o Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

14. Based on an inspection conducted by IDEM on January 13, 1995, Respondent, Chrysler Corporation, has erected a security fence on the South parcel at the Facility and has installed a gate preventing vehicular access at the North parcel of the Facility. The fence and gate are satisfactory to IDEM.

15. Financial assurance and liability coverage for closure, in conformance with 329 IAC 3.1-15-4 and 3.1-15-8, respectively, for a period ending when closure certification is accepted by IDEM and financial assurance for post-closure period in conformance with 329 IAC 3.1-15-6 for the entire post-closure commencing at the time of completion of closure, is required. IDEM approves the use of a surety bond as discussed in Mr. Richard Van Rheenan's letter dated October 7, 1996 and submitted on Respondent's behalf.
16. In recognition of the settlement reached, Respondents waive any right to administrative and judicial review of this Agreed Order, except pursuant to dispute resolution provisions contained herein.

ORDER

WHEREFORE, based upon the Findings of Fact and upon the consent of the parties, it is hereby ORDERED that:

1. Upon the effective date of the Order, Respondent Chrysler Corporation's Indianapolis Foundry shall properly manifest all off-site shipments of hazardous waste to a permitted treatment, storage, or disposal facility.
2. Upon the effective date of the Order, Respondent Chrysler Corporation's Indianapolis Foundry shall only offer hazardous waste to transporters or to treatment, storage, or disposal facilities which have received EPA I.D. numbers.
3. Upon the effective date of the Order, Respondent Chrysler Corporation's Indianapolis Foundry shall maintain the fence in accordance with 40 CFR 264.117(b)(1 and 2) and shall

provide and maintain signs bearing the words "No Trespassing - If you see a trespasser, call (phone number to be supplied) 24 hours day" for the entire closure and post-closure period. The phone number and actions to be taken will be included in the contingency plan required in paragraph 4 iii. below.

4. Respondent Chrysler Corporation shall submit to IDEM for approval a Closure Plan, consistent with 40 CFR 264.112, and intended to satisfy the closure performance standard pursuant to 40 CFR 264.111. 40 CFR 264.111 and 264.112 shall be interpreted consistent with paragraphs 4 (ii, vi and vii) and 8 of this Agreed Order, and shall not be interpreted to require closure activity consisting of more than the cover described in paragraph 4(v) and the groundwater monitoring described in paragraph 4(vii) unless the results of the risk assessment described in paragraph 4(ii) show that such additional activity is needed for closure to be protective of human health. If at any time, Respondent Chrysler Corporation finds any incinerators, waste piles, land treatment units, surface impoundments, tanks, containers or miscellaneous units are present, they shall notify IDEM of their existence and location. Respondent Chrysler Corporation shall supplement the Closure Plan to provide for risk based closure of any such features consistent with this paragraph, and shall provide for the risk based post closure care of such features pursuant to Order paragraph 6. The Closure Plan shall satisfy all closure requirements by providing the following items described below, which shall be submitted and implemented in the following order, in accordance with a timetable to be submitted to IDEM for its written approval within thirty (30) days of the effective date of the Order:

i. a work plan for the evaluation of the distribution and character of Chrysler-deposited material from the Indianapolis Foundry wastewater treatment plant, which IDEM alleges is hazardous waste (D006 and D008 wastewater treatment sludge) within the Facility boundary, herein representing the solid waste management area including the lake and all associated sediments. The following documents will be used as guidance for the development of the work plan and as the criteria for determining the acceptability of the work plan:

- a. "Hazardous Waste Management Unit Closure Guidance," IDEM, Office of Solid and Hazardous Waste Management, March 1994.
- b. Draft "Requirements for Describing Unconsolidated Deposits," IDEM, Revised 11/8/88.
- c. "Geological Chemistry Draft Guidance for Sediment Sampling and Analysis," IDEM-OSHW, December 1993.
- d. "Guidelines for Sampling and Analysis Plans," IDEM-OSHW.
- e. "RCRA Facility Investigation (RFI) Guidance, Volumes, I, II, III, and IV," U.S. EPA, May 1989.

- f. "Statistical Analysis of Ground-Water Monitoring Data at RCRA Facilities,"
Interim Final Guidance, U.S. EPA, OSWWMD, February 1989.
- g. "RCRA Groundwater Monitoring: Draft Technical Guidance," U.S. EPA,
November 1992.
- h. "Test Methods for Evaluating Solid Waste," U.S. EPA, SW-846, latest
edition.
- ii a work plan for a complete human health-based risk assessment that may include a
human health risk assessment based on the future use of the property. The following
documents will be used as guidance for the development of the risk assessment work
plan and as the criteria for determining the acceptability of the work plan:
 - a.. Risk Assessment Guidance for Superfund, Volume I, Human Health
Evaluation Manual (Part A, Baseline Risk Assessment) (Interim Final)
(December 1989) (EPA/540/1-89/002) (9285-7-018).
 - b. Performance of Risk Assessments in Remedial Investigations/Feasibility
Studies (RI/FS) Conducted by Potentially Responsible Parties (PRPs)
(August 28, 1990) (9835.15).

- c. Guidance for Data Useability in Risk Assessment, Interim Final (October 1990) (EPA/540/G-90/008).
- d. Human Health Evaluation Manual, Supplemental Guidance: "Standard Default Exposure Factors" (March 25, 1991) (9285-6-03).
- e. Future Residential Land Use Groundwater Exposure Point Concentrations for the Baseline Risk Assessment (May 10, 1991) (Memo from John Kelley, Region V).
- f. Supplemental Guidance on Performing Risk Assessments in Remedial Investigation/Feasibility Studies (RI/FSs) Conducted by Potentially Responsible Parties (PRPs) July 2, 1991) (9835.15a).
- g. Risk Assessment Guidance for Superfund, Volume I-Human Health Evaluation Manual (Part B, Development of Risk-Based Preliminary Remediation Goals) (Interim) (December 1991) (9285.7-01E).
- h. Risk Assessment Guidance for Superfund: Volume I--Human Health Evaluation Manual (Part B) (December 1991) (9285.7-01BFS).

- i. Risk Assessment Guidance for Superfund, Volume I--Human Health Evaluation Manual (Part C, Risk Evaluation of Remedial Alternatives) (Interim) (December 1991) (9285.7-01C).
- j. Supplemental Guidance to RAGS: Calculating the Concentration Term (March 1992) (9285.7-08I).
- k. Guidance for Data Useability in Risk Assessment (Part A) (Final) (April 1992) (9285.7-09A).
- l. Guidance for Data Useability in Risk Assessment (Part A) (May 1992) (9285.7-09A/FS).
- m. Guidance for Data Useability in Risk Assessment (Part B) (Final) (May 1992) (9285.7-09B).
- n. Guidance for Data Useability in Risk Assessment (June 1992) (9285.7-09FS).
- o. Understanding Superfund Risk Assessment (July 1992) (9285.7-06FS).
- p. Selecting Exposure Routes and Contaminants of Concern by Risk-Based Screening (Region III Technical guidance Manual, Risk Assessment) (January 1993) (EPA/903/R-93-001).

- q. Evaluation of the Dispersion Equations in the Risk Assessment Guidance for Superfund (RAGS): Volume I--Human Health Evaluation Manual (Part B, Development of Preliminary Remediation Goals) (April 1993).
 - r. New Policy on Performance of Risk Assessments During Remedial Investigation/Feasibility Studies (RI/FS) conducted by Potentially Responsible Parties (PRPs) (September 1, 1993) (9385.15b).
 - s. Use of IRIS Values in Superfund Risk Assessment (December 21, 1993)(9285.7-16).
- iii. a description of the personnel training (40 CFR 264.16), preparedness and prevention measures (40 CFR Subpart C), contingency plan (40 CFR 264 Subpart D) and general inspection requirements (40 CFR 264.15 and 40 CFR 264.310), as they relate to closure and post-closure activities which will occur at the site;
 - iv. implementation of the work plans for the site assessment and risk assessment and documentation of the findings of the site assessment and risk assessment in a report following IDEM's written approval of those work plans, financial assurance and descriptions of personnel training, preparedness and prevention measures, contingency plan and general inspection requirements as they relate to closure and post-closure activities which will occur at the site;

v. a work plan for a soil and vegetation cover in conformance with 40 CFR 264.310(a) following IDEM's written approval of the site assessment and risk assessment. The requirements of 40 CFR 264.310(a) shall be interpreted as being based on the results of the risk assessment described at paragraph 4(ii) as follows: Unless the results of the risk assessment show that the Facility presents unacceptable risks to human health, the cover will only consist of soil of the type and depth sufficient to support vegetation and proper grading. At Chrysler's option, Chrysler may submit a work plan for alternative cover that is consistent with the future use of the property instead of a work plan for soil and vegetation cover, so long as the IDEM determines that such alternative cover is functionally equivalent in terms of protectiveness. If the results of the risk assessment show that the Facility presents unacceptable risks to human health, a cover will be designed, constructed and installed to minimize infiltration to the subsurface soil and groundwater to the extent necessary to reduce risk to an acceptable level. At Chrysler's option, this cover may also allow for the future use of the property so long as the IDEM determines that such cover is functionally equivalent in terms of protectiveness;

vi. a work plan for developing an adequate groundwater monitoring system pursuant to 40 CFR 265 Subpart F;

vii. a work plan for a groundwater detection monitoring program pursuant to 40 CFR 264.97 and 264.98 and IDEM's draft descriptive requirements following IDEM's written approval of the site assessment and risk assessment. 40 CFR 264.98, which

incorporates 40 CFR 264.94, shall be interpreted as allowing Respondent Chrysler Corporation to utilize alternative concentration limits which are based on, and consistent with, the findings of the risk assessment described in paragraph 4 (ii), and on the factors enumerated in 40 CFR 264.94 as being relevant to the determination of alternative concentration limits. 40 CFR 264.97 shall be interpreted as providing that the compliance monitoring point shall be determined after completion of the site assessment;

- viii. implementation of the work plans for groundwater detection monitoring and the cover following IDEM's written approval of those work plans.
5. IDEM shall, after Respondent Chrysler Corporation's submission of each item of the closure plan, advise Respondent Chrysler Corporation, in writing, of any deficiencies that IDEM finds present in the Closure Plan, which shall either request further information or indicate modifications to the closure plan that IDEM deems necessary.
6. Within one hundred- twenty (120) days after IDEM's written approval of the work plans for the cover under 4(v) and groundwater detection monitoring program under 4(vii), Respondent Chrysler Corporation shall submit a Post-Closure Plan pursuant to 40 CFR 264.118 and 40 CFR 264.119, and 40 CFR 264.310 (b) only, excluding (b)(2, 3 and 6). 40 CFR 264.118 shall be consistent with paragraphs 4 (ii, v and vii) and 8, and shall not require post-closure activity consisting of more than post-closure care of the cover described in paragraph 4(v), and the groundwater monitoring described in paragraph 4(vii) and security

measures described in paragraph 4(iii), unless the results of the risk assessment described in paragraph 4(ii) show that such additional activity is needed for post-closure to be protective of human health.

7. IDEM shall, after Respondent Chrysler Corporation's submission of the Post-Closure Plan, advise Respondent Chrysler Corporation, in writing, of any deficiencies that IDEM finds present in the Post-Closure Plan, which shall either request further information or indicate modifications to the Post-Closure Plan that IDEM deems necessary.
8. If, at any time, during Closure or Post-Closure, groundwater detection monitoring indicates a statistically significant increase in an indicator parameter and/or decrease in pH pursuant to 40 CFR 264.98, Respondent Chrysler Corporation shall submit a Compliance Monitoring Plan in accordance with 40 CFR 264.98(g)(4) within ninety (90) days of determining that there is a statistically significant increase. Pursuant to 40 CFR 264.99 which incorporates 264.94, Respondent Chrysler Corporation may utilize alternative concentration limits which are based on, and consistent with, the findings of the risk assessment described in paragraph 4(ii), or which, at Respondent Chrysler Corporation's option, may also be based on the factors enumerated in 40 CFR 264.94 as being relevant to the determination of alternative concentration limits.
9. IDEM shall, after Respondent Chrysler Corporation's submission of the Compliance Monitoring Plan, advise Respondent Chrysler Corporation, in writing, of any deficiencies that IDEM finds present in the Plan, which shall either request further information or indicate

modifications to the Compliance Monitoring Plan that IDEM deems necessary.

10. Within sixty (60) days after IDEM's written approval of the Compliance Monitoring Plan, Respondent Chrysler Corporation shall commence the implementation of the Compliance Monitoring Plan in accordance with the approved timetable contained herein.
11. Within sixty (60) days of the completion of closure activities, Respondent Chrysler Corporation shall submit to IDEM a Certification of Closure, pursuant to 40 CFR 264.115.
12. IDEM shall, after Respondent Chrysler Corporation's submission of the Certification of Closure, advise Respondent Chrysler Corporation, in writing, of any deficiencies that IDEM finds present with the implementation of the Closure Plan, which shall either request information or indicate modifications to the certification that IDEM deems necessary.
13. Within sixty (60) days of IDEM's written acceptance of Chrysler Corporation's Certification of Closure, Respondent Chrysler Corporation shall commence Post-Closure care pursuant to the approved Post-Closure Plan for a period of no more than thirty (30) years from the effective date of the Certification of Closure, or otherwise in accordance with 40 CFR 264.117(a)(2).
14. Within sixty (60) days of the completion of the Post-Closure Care period, Respondent Chrysler Corporation shall submit to IDEM a Certification of Completion of Post-Closure care pursuant to 40 CFR 264.120. The Respondent Chrysler Corporation shall also provide

a summary of expenditures, along with all supporting documents, that fully demonstrate the amount of all closure and post-closure expenditures. In addition, Chrysler Corporation shall provide a separate certification that affirms, under penalty of perjury, the amount expended by the company on all closure and post closure expenditures. In the event that the Respondent Chrysler Corporation fails to expend greater than 125% of the sum required to defray the penalty addressed in paragraph 23, it shall provide an independently-audited certified accounting of all closure and post-closure expenditures.

15. IDEM shall, after Respondent Chrysler Corporation's submission of the Certification of Completion of Post-Closure care, advise Respondent Chrysler Corporation, in writing, of any deficiencies that IDEM finds present in the Certification of Completion of Post-Closure Care, which shall either request information or indicate modifications to the Certification of Completion of Post-Closure Care that IDEM deems necessary.
16. For the purposes of the Closure Plan and Post-Closure Plan, Respondent Chrysler Corporation shall only be required to satisfy the specific citations indicated herein in the form they exist on the date that this Agreed Order is fully executed. The references to the Regional Administrator in the cited regulations shall be taken to mean the Commissioner of the Indiana Department of Environmental Management.
17. The references to the "facility permit" or "permit" in the cited regulations shall be taken to mean Closure Plan and Post-Closure Plan.

18. The time schedule for closure presented in the approved Closure Plan shall be controlling where such time schedule differs from any time schedule referenced at 40 CFR 264.113 or other rule or regulation. IDEM agrees to grant reasonable extensions of time to Respondent Chrysler Corporation to develop and implement the Closure Plan as needed, pursuant to 40 CFR 264.113.
19. The Respondent Chrysler Corporation shall cause all work to be performed within the applicable time limits, unless performance is delayed by events which constitute a force majeure. For purposes of this Agreed Order, a "force majeure" is an event arising from circumstances beyond the control of the Respondent Chrysler Corporation which cannot be overcome by due diligence which delays performance or makes impossible substantial performance of any obligations required by this Agreed Order. "Force majeure" does not include financial inability to complete the work required by this Agreed Order or increases in the costs to perform the work. If any force majeure event occurs or has occurred that may delay the performance of any obligations under this Agreed Order, Respondent Chrysler Corporation shall notify the Commissioner within a reasonable time after the Chrysler Corporation becomes aware of such delay or anticipated delay. Such notification shall describe the anticipated length of the delay, the cause or causes of the delay, the measures taken and to be taken by the Respondent to minimize the delay, and the timetable by which these measures will be implemented. Respondent shall have the burden of establishing the existence of a force majeure event. If a delay is attributable to a force majeure, the time period for performance under this Agreed Order shall be extended for the time period attributable to the event constituting the force majeure and the delay at issue shall be deemed not to be a violation of this Agreed Order.

20. Within thirty (30) days of the effective date of the Order, Respondent Chrysler Corporation shall submit to the IDEM financial assurance in accordance with 329 IAC 3.1-15-4(c) or 329 IAC 3.1-15-4(d) in the amount of \$1,632,584.
21. IDEM will consider taking enforcement action against individuals or businesses responsible for dumping hazardous waste at the site in the past. If Chrysler becomes aware of any information regarding such activities, it will convey that information to IDEM.
22. Unless the Order indicates otherwise, all submittals required by this Agreed Order shall be sent to:
- Chief, Hazardous Waste Permit Section
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015
23. In consideration and full satisfaction of the \$860,300 civil penalty sought by IDEM, against Respondents Blue Lake, Inc., Kenneth Smock Associates, Inc., Thomas M. Fransler Jr., Jack and Beverly Hurt, and Chrysler Corporation, Respondent Chrysler Corporation agrees to pay a civil penalty of \$172,000. Respondent Chrysler Corporation also agrees to spend no less than \$1,632,584 in response costs, and shall fully complete the implementation of Closure and Post-Closure activities. In the event Respondent Chrysler Corporation spends less than \$1,632,584 in response costs implementing Closure and Post-Closure activities, Respondent Chrysler Corporation agrees to pay to IDEM one-half the difference between the amount expended and \$1,632,584. For purposes of this paragraph, the term response costs means all direct costs incurred by Chrysler Corporation in performing its obligations under this

Agreed Order. Direct costs include salary costs, travel expenses, equipment costs, and contractor costs. Travel expenses will be calculated at the State per diem rate. Costs or expenses for litigation subsequent to the signing of this Agreed Order will not be considered as direct costs and shall not be applied toward the response costs.

24. Respondent Chrysler Corporation shall pay costs associated with a third-party review of the health-based Risk Assessment Work Plan and Risk Assessment as follows: The Work Plan for the Risk Assessment and the Risk Assessment will be reviewed by Earth-Tech. In the event Earth-Tech is unable to review the Risk Assessment and Risk Assessment Work Plan, Respondent Chrysler Corporation will select a name from a list of IDEM approved persons or companies. The list shall contain at least two names. Chrysler agrees to pay the actual price, not to exceed a total sum of \$30,000 for review, including multiple review, if necessary, of the Risk Assessment Work Plan and Risk Assessment.

25. In the event the following terms and conditions are violated, the Complainant may assess and the Respondent Chrysler Corporation shall pay a stipulated penalty in the following amounts:

Violation

Penalty

Failure to comply with time frames as specified in Orders 4, 6, 8, 10, 11, 13, 14, 20, 23 and 24.

\$100/day 1st 7 days
\$250/day 8-30 days
\$500/day 31-60 days
\$1000/day over 60 days

Said stipulated penalty shall be due and payable within thirty (30) days after Chrysler receives written notice from IDEM that a stipulated penalty is due. Assessment and payment of said stipulated penalty shall not preclude the Complainant from seeking any injunctive

relief against the Chrysler Corporation for violation of the Agreed Order. IDEM will not attempt to collect stipulated penalties due under the Orders during the period of any administrative or judicial review of the plans or actions required in those Orders.

26. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include Cause Number N-238 and shall be mailed to:

Cashier
IDEM
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46206-7060

27. In the event that the civil penalty required by paragraph 23 is not paid within thirty (30) days of the effective date of this Agreed Order or the payment of the stipulated penalties assessed pursuant to Paragraph 25 are not made within thirty (30) days of a Respondent Chrysler Corporation's receipt of IDEM's demand, such Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall continue to accrue on the date the civil penalty or stipulated penalty is due until the full civil penalty is paid in full.
28. The provisions of this Agreed Order apply to IDEM and shall apply to and be binding upon the Chrysler Corporation, its officers, employees, agents, successors, servants and assigns and to all persons, firms, or corporations acting through or for IDEM or Respondent. The signatories to this Order certify that they are fully authorized to execute this document and legally bind the parties they represent. No change in ownership, corporate, or partnership status of Respondent Chrysler Corporation shall in any way alter its status or responsibilities under this Order.

29. The Chrysler Corporation shall provide a copy of this Order, if in force, to any subsequent owners or successors before ownership rights are transferred. The Respondent Chrysler Corporation shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants which are retained to conduct any work performed under this Order, within fourteen (14) days after the later of the effective date of this Order or the date of retaining their services. Chrysler Corporation shall by contract require that all contractors, firms, and other persons acting for it comply with the terms of this Order.
30. This Order shall be valid and enforceable the date Respondent Chrysler Corporation receives this Order (theretofore called "effective date"). As part of final resolution of this matter, the parties shall submit a copy of this Agreed Order to the Indiana Office of Environmental Adjudication. This Agreed Order shall remain in effect until IDEM issues a Resolution of Cause letter to the Chrysler Corporation.
31. Nothing in this Agreed Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Agreed Order. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Agreed Order may have under applicable law.
32. The timely submission of any document required by this Agreed Order, which is not approved by IDEM shall not be deemed non-compliance with the time limits of this order unless such document does not represent a good faith attempt to comply with this Agreed Order.

33. The parties shall use their best efforts to, in good faith, resolve all disputes or differences that may arise regarding work required under this Order. If, however, disputes arise regarding work required under this Order, which the parties are unable to resolve informally, Respondent may present written notice of such dispute to the IDEM. This written notice shall be submitted no later than five (5) calendar days after Respondent discovers parties are unable to resolve the dispute. Following IDEM's receipt of Respondent's written notice the parties shall attempt to negotiate in good faith a resolution of their differences. If following informal discussions, the IDEM concurs with the position of Respondent, Respondent shall be notified in writing. If following informal discussions, the IDEM does not concur with the position of Respondent, the IDEM shall provide written notification of its final decision. The Respondent may appeal any final determination of the IDEM in accordance with IC § 4-21.5.
34. The Agreed Order will have no force or effect until it is approved by the Commissioner or his designee. The signature of the Commissioner, or his designee, on this Agreed Order constitutes the IDEM's approval of the Agreed Order.
35. IDEM and the Respondent Chrysler Corporation, by the duly authorized undersigned, hereby consent to the provisions of the Agreed Order and agree to be bound by the Agreed Order when issued by the Commissioner.
36. The parties may mutually agree on the use of guidance documents in addition to those specified in this Agreed Order.

37. The terms of this Agreed Order fully resolve all issues regarding the above captioned enforcement action brought by the IDEM against the Chrysler Corporation, Jack D. Hurt, Blue Lake, Inc., Kenneth Smock Associates, Inc., and /or Thomas M. Fransler Jr.

TECHNICAL RECOMMENDATION:
Indiana Department of Environmental
Management

By: Nancy L. Johnston
Nancy L. Johnston, Chief
Hazardous Waste Section
Office of Enforcement

Date: 2/24/99

RESPONDENT:
DaimlerChrysler

By: Ronald R. Boltz
Ronald R. Boltz
Senior Vice President
DaimlerChrysler Corporation

Date: 3/18/99

COUNSEL FOR COMPLAINANT
Indiana Department of Environmental Management

By: Scott R. Storms
Scott R. Storms
IDEM Office of Legal Counsel

Date: 2/24/99

COUNSEL FOR RESPONDENT
DaimlerChrysler

By: Richard Van Rheen
Richard Van Rheen

Date: 2/26/99

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT.

THIS 19th DAY OF March 1999.

For the Commissioner:

David J. Hensel
David J. Hensel, Assistant Commissioner
for Legal Affairs

NOTES TO FILE:

RE: REGULATORY STATUS OF BLUE LAKE, INC

PHONE CALL WITH: Michelle Timmermann, RCRA manager for site (317) 232-3264

DATE: April 22, 2002

Michelle indicated to me that cleanup is presently ongoing via an agreed Order issued in March 2000 with Chrysler Corp. Although Chrysler is not the owner of the site, they have accepted financial liability for disposal of waste water treatment sludge that originated from their adjacent plant. The owner of the property is bankrupt and unable and probably? unwilling to address any problems at the site. Michelle does not think Chrysler will address any other problems at the site not related to the WWT sludge even though she indicated there were PCBs and TPH on the site which was historically used as a construction debris disposal site.

Presently, Michelle is reviewing a Site Characterization report submitted by Chrysler? for identifying areas where WWT sludge has ben disposed of. She agreed to send me a copy of the Order.

RECEIVED MAY 26 1993
WMD RCRA
RECORD CENTER *Compliance*

CUNNINGHAM
CASE at AG's Bio
Debbie O'Brien

TSD - RCRA INSPECTION REPORT

(Interim Status Facility - 329 IAC 3.1-10)

EPA ID # IND 046107157 NAME Blue Lake Inc.
MAILING ADDRESS: 3023 W. Morris St., Suite 0-0
Indianapolis, In 46241
LOCATION ADDRESS: 3023 W. Morris St.
Indianapolis, In 46241
CONTACT: Jack Hurt / Gladys Troxell PHONE: 317 / 247-4036
OWNERSHIP: Jack Hurt COUNTY: Marion Co.

STATUS CODE: 6 1=Active 3=Dead Mail 4=PCB handler
6=non-handler 2=Obsolete ID # 9=Superfund site
5=Out of business

Person(s) interviewed:	Title:	Telephone:
<u>Jack Hurt</u>	<u>owner</u>	<u>241-7158</u>
<hr/>		
Inspector(s):	Agency:	Telephone:
<u>Mike Penington</u>	<u>IDEM</u>	<u>317/233-4994</u>
<hr/>		

Date of inspection: 12-30-92 Time of inspection: 2 P.M.

The Indiana Hazardous Waste Rules, 329 IAC 3.1, incorporates by reference federal standards which have been published in the Code of Federal Regulations as 40 CFR 260 through 40 CFR 270. Citations contained in this inspection form reference the federal rules as of July 1, 1990, except where the State rule substitutes full text language, in which case the specific 329 IAC 3.1 citation will be used.

REV. 10/92

RECEIVED
MAY 12 1993

OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA REGION V

Installation Processes by Process Code (EPA Form 3510-3)

S01	Container storage	T03	Incinerator treatment
S02	Tank storage	T04	Other treatment
S03	Waste pile storage	D79	Injection well disposal
S04	Surface impoundment storage	D80	<input checked="" type="checkbox"/> Landfill disposal
T01	Tank treatment	D81	Land application disposal
T02	Surface impoundment treatment	D83	Surface impoundment disposal

If Part A process codes are listed above as T04 please describe the process involved below:

- 1) Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application.
- 2) Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.
- 3) Type of Operation, Products Manufactured, Processes Utilized, Size of Operation, Concentrate on processes that produce waste (hazardous or nonhazardous)!

Demolition Debris is the only current waste stream
at this property. This waste has been segregated
from the Chrysler WWT Sludge. Debris is transported
by Norris Brothers.

- 4) If any of the wastes are managed in the manners listed below, please check those areas and utilize the provided appendices.

	<u>YES</u>	<u>NO</u>
A) Waste Oil Fuel - Appendix A	—	<input checked="" type="checkbox"/>
B) Lead Acid Batteries	—	<input checked="" type="checkbox"/>
C) Hazardous Waste Fuel - Appendix C	—	<input checked="" type="checkbox"/>
D) Precious Metals	—	<input checked="" type="checkbox"/>
E) Use Constituting Disposal	—	<input checked="" type="checkbox"/>
F) Tanks	—	<input checked="" type="checkbox"/>

	<u>YES</u>	<u>NO</u>
G) Use and Management of Containers	—	✓
H) Generator Accumulation Appendix	—	✓
I) Waste Pile	—	✓
J) Surface Impoundment	—	✓
K) Landfill	✓	—
L) Process Vents	—	✓
M) Equipment Leaks	—	✓

5) Hazardous Waste Streams/EPA #	Source	Rate	Disposition	LDR Treatability Group (WW/NWW)
<u>D006/D008</u>	<u>Chrysler Foundry</u>	<u>0</u>	<u>No additional Accumulations</u>	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—

	<u>YES</u>	<u>NO</u>	<u>NA</u>
6) Have both listed and characteristic waste codes been assigned, where a listed waste exhibits a characteristic? <u>40 CFR 268.9</u>	—	—	✓
7) Does the facility handle any California List Wastes? (liquid hazardous waste with greater than 50 ppm PCB greater than 134 ppm nickel greater than 130 thallium, etc.)	—	—	✓
8) List all wastes not listed above.			

Waste	Process Generating Waste	Rate	Disposition
<u>Demolition Debris</u>	<u>Construction demolition</u>	<u>Low undetermined</u>	—
—	—	—	—
—	—	—	—
—	—	—	—

- 9) If the company claims a reuse or reclaim exemption please include the following information:

	Waste Type	Generation Rate	How reclaimed & by Who	Quantity stored on Site
A.	NA			
B.	NA			

10) Hazardous Waste On-Site

On-Site	Amount	How Stored	Comments
D006 / D008	unknown	mixed with Foundry Sand	

- 11) Indicate any TSD activities which have been omitted from or are not clear on the facility map (for the purpose of determining if expansion has occurred)
(40 CFR 270.13) (HWIMS 610)

none

- 12) Is the Biennial Report Accurate? none

- 13) Note any non-RCRA Violations (Open Dumping, Dumping in City Sewer Without Pretreatment Program, OSHA, etc.) none

- 14) Additional Comments:

No additional hazardous waste is being disposed at this site. USEPA and IDEM site investigation staff are determining extent of contamination. Mr. Hurt is also in litigation with Chrysler.

LAND BAN TREATMENT STANDARDS

HWIMS 700

OK DF NI NA

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|---|
| 1) | Does generator dilute prohibited wastes to meet treatment standard criteria, or render them nonhazardous, as a substitute for adequate treatment?
<u>40 CFR 268.3</u> | ___ | ___ | ___ | ✓ |
| 2) | Do treatment standards for listed wastes cover constituents that may cause the waste to exhibit any characteristics?
<u>40 CFR 268.9</u> | ___ | ___ | ___ | ✓ |
| 3) | Does generator specify alternative treatment standards for lab packs or F039 leachate? If yes, see
<u>40 CFR 268.42(c)(2)</u> | ___ | ___ | ___ | ✓ |
| 4) | Does generator mix wastes with different treatment standards for a constituent of concern? If yes, did generator select most stringent treatment standards? | ___ | ___ | ___ | ✓ |
| 5) | Does the generator handle any wastes with a LDR variance (national capacity, case-by-case, etc.)? | ___ | ___ | ___ | ✓ |

ON-SITE TREATMENT

HWIMS 700

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|--------|
| 1) | Does the generator treat wastes in 90-day tanks or containers? If NA, go to next section. | ___ | ___ | ___ | ✓ |
| 2) | Does the generator treat the wastes to meet appropriate treatment standards? | ___ | ___ | ___ | ✓ |
| 3) | If yes, has the generator prepared a waste analysis plan detailing the frequency of testing to be conducted? <u>40 CFR 268.7(a)(4)</u> | ___ | ___ | ___ | ✓ |
| 4) | Does the plan fulfill the following:

-Based on a detailed chemical and physical analysis of a representative sample
-Contains information necessary to treat the wastes in accordance with LDR | ___ | ___ | ___ | ✓
✓ |
| 5) | Has the plan been filed with the Regional Administrator or IDEM? | ___ | ___ | ___ | ✓ |
| 6) | Are characteristic wastes which have been rendered nonhazardous shipped to a Subtitle D facility?

a. If yes, is a notification and a certification for each shipment sent to the Regional Administrator (prior to 2/24/92) or IDEM?
<u>40 CFR 268.9(d)(1) and 268.7(b)(5)</u> | ___ | ___ | ___ | ✓
✓ |

STORAGE NA

(HWIMS)

OK DF NI NA

- 1) Has the capacity of the storage areas listed on the Part A or permit been equal to or less than that allow? List type and amount of any storage capacity overages? Citation?

— — — ✓

- 2) Are all containers clearly marked to identify the contents and date(s) entering storage or is such information available in the operating log?
40 CFR 268.50(a)(2)(i)

— — — ✓

- 3) Have wastes been stored for less than one year?

— — — ✓

- 4) If no, can the facility show that such storage is necessary to facilitate proper recovery, treatment, or disposal. 40 CFR 268.50(c)

— — — ✓

TREATMENT NA

(HWIMS)

- 1) Does the facility treat hazardous waste other than in 90-day tanks and containers? If no, go to next section.

— — — ✓

- 2) Are required technologies used to treat wastes which have treatment standards expressed as technologies? 40 CFR 268.40(b)

(HWIMS)

— — — ✓

- 3) Are alternative methods approved? 40 CFR 268.2

— — — ✓

- 4) Is the LDR treatment standard lower than the Characteristic level?

— — — ✓

- 5) If yes, does the facility manage the waste as restricted until treatment standards are met?
40 CFR 268.9

— — — ✓

- 6) Does the facility test residues from all treatment processes? 40 CFR 268.7

— — — ✓

- 13) Additional Comments:

General Facility Standards (paperwork)

		<u>OK</u>	<u>DF</u>	<u>NI</u>	<u>NA</u>
1)	Has the Regional Administrator/Environmental Management Board been notified regarding:				
a.	Receipt of hazardous waste from a foreign source? <u>40 CFR 265.12(a)</u> (HWIMS 300)	—	—	—	✓
b.	Facility expansion? <u>40 CFR 270.72(b)</u> (HWIMS 610)	—	—	—	✓
c.	Change of owner or operator? <u>40 CFR 265.12(b)</u> (HWIMS 300)	—	—	—	✓

2)	<u>General Waste Analysis:</u> (HWIMS 310)				
a.	Has the owner or operator made a detailed chemical and physical analysis of the waste either through testing of knowledge of the process? <u>40 CFR 265.13(a)1</u>	✓	—	—	—
b.	Does the owner or operator have a detailed waste analysis plan on file at the facility? <u>40 CFR 265.13(b)</u>	—	—	✓	—
	Does the waste analysis plan contain:				
	1. parameters (and rationale for their choice)	—	—	✓	—
	2. test methods	—	—	✓	—
	3. sampling method for representative sample	—	—	✓	—
	4. frequency of analysis (and rationale)	—	—	✓	—
	5. <u>off-site only</u> : waste analysis from generators	—	—	✓	—
	6. Additional waste analysis needed (when a change in waste type or process occurs)	—	—	✓	—
	a. <u>265.193 Tanks</u> (see above)	—	—	—	✓
	b. <u>265.225 Impoundment</u> (same as above)	—	—	—	✓
	c. <u>265.252 Waste Pile</u> (same as above)	—	—	—	✓
	d. <u>265.273 Land Treatment</u> (same as above)	—	—	—	✓
	e. <u>265.341 Incinerators</u> (same as above)	—	—	—	✓

Analysis through Knowledge
and EPA sampling by
CCSM Consultants, Chicago IL.

f. 265.375 Thermal Treatment
(same as above)

OK	DF	NI	NA
—	—	—	✓

g. 265.402 Other Treatment
(same as above)

—	—	—	✓
---	---	---	---

c. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?
40 CFR 265.13(c)

—	—	—	✓
---	---	---	---

d. Is the waste analysis plan followed? No additional Hazardous waste. No changes at site. Site is Inactive.

3) Owner or Operator Inspections: (HWIMS 320)

a. Does the owner or operator inspect the facility for deterioration, malfunctions, operator errors, and discharges of hazardous waste that may affect human health or the environment?
40 CFR 265.15(a)

✓	—	—	—
---	---	---	---

b. Does the owner or operator have an inspection schedule at the facility?
40 CFR 265.15(b)2

✓	✓	✓	Schedule as needed basis for inactive site.
---	---	---	---------------------------------------------

c. If so, does the schedule address the inspection of the following items:
40 CFR 265.15(b)1

i. monitoring equipment?

—	—	—	✓
---	---	---	---

ii. safety and emergency equipment?

—	—	—	✓
---	---	---	---

iii. security devices (including fences)?

✓	—	—	—
---	---	---	---

iv. operating and structural equipment (ie. dikes, pumps, etc.)?

—	—	—	✓
---	---	---	---

v. type of problems to be looked for during the inspection (e.g. leaky fittings, defective pump, etc.)?
40 CFR 265.15(b)(2)

—	—	—	✓
---	---	---	---

	OK	DF	NI	NA
vi. inspection frequency (based upon the possible deterioration rate of the equipment)? 40 CFR 265.15(b)(4)	—	—	—	✓

No equipment on site

vii. Must include:

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| 1. Weekly container storage?
(See 265.174) | — | — | — | ✓ |
| 2. Daily and Weekly Tank Storage?
(See 265.194) | — | — | — | ✓ |
| 3. Daily freeboard and weekly dike inspection for surface impoundments?
(See 265.226) | — | — | — | ✓ |
| 4. Landfills, Thermal treatment, Chemical, Physical, and Biological treatment should be inspected as determined by deterioration rate and daily at loading and unloading areas (where spills are likely)
(See 265.15(b)(4)) | — | — | — | ✓ |
| d. Does Owner or Operator follow the written inspection schedule as outlined?
265.15(b)(1) | — | — | — | — |
| e. Are areas subject to spills inspected daily when in use?
265.15(b)(4) | — | — | — | ✓ |

Inactive

No storage of containers or tanks or surface impoundment

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------|---|---|--------|---|
| f. Does the owner or operator maintain an inspection log or summary of owner or operator inspections?
40 CFR 265.15(d) | — | ✓ | see #1 | — |
| g. Does the inspection log contain the following information:
40 CFR 265.15(d) | | | | |
| i. the date and time of the inspection? | — | ✓ | see #1 | — |
| ii. the name of the inspector? | — | ✓ | see #1 | — |

No Log

iii. a notation of the observations made?

OK DF NI NA

iv. the date and nature of any repairs or remedial actions?

MP ~~DF~~ ✓ NI NA

No written log. Owner makes inspections "as needed".
Site is inactive.

PERSONNEL TRAINING RECORDS

1) Do personnel training records include: (HWIMS 330)

a. Job titles for the positions related to HWM
40 CFR 265.16(d)1

MP ~~DF~~ NI ✓

b. The name of the employees filling each job title?
40 CFR 265.16(d)(1)

MP ~~DF~~ NI ✓

c. Job descriptions including the required skills, education, or other qualifications and the duties of the personnel assigned to the position?
40 CFR 265.16(d)2

MP ~~DF~~ NI ✓

Check categories for which job titles/descriptions are available (please include the supervisors of each category in that category when reviewing documents).

Emergency coordinator ___ Training coordinator ___ Emergency response personnel ___
Inspectors ___ Material handlers ___ Container labelers ___ Manifesters ___
Recordkeepers ___

d. Description of both introductory and continuing training required for each job?
40 CFR 265.16(d)(3)

MP ~~DF~~ NI ✓

Describe in general the type of training program in use at the facility.

No regular employees. Owner and local contact person
are only personnel involved. No one handles hazardous waste.

e. Records of training required in (d)?
40 CFR 265.16(d)4

MP ~~DF~~ NI ✓

f. Did facility personnel receive the required training including:

i) classroom or on the job

ii) within 6 months of hire

iii) annual review of training?

g. Are all training records maintained for current personnel and for at least three years for former employees?

40 CFR 265.16(e)

OK DF NI NA

✓ MP ✓ ✓

MP ✓ ✓

No Records / Inactive Site / No one handles hazardous waste at this site.

CONTINGENCY PLAN AND EMERGENCY PROCEDURES

(HWIMS 350)

1) Does the Contingency Plan contain the following information:

a. The actions facility personnel must take to comply with 265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Countermeasures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part (as applicable).

✓ see #2

A. A description of arrangements agreed by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

✓ see #2

i. Names, addresses, and phone numbers of all persons qualified to act as emergency coordinators?

✓ see #2

ii. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?

✓ see #2

40 CFR 265.52(e)

iii. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.) 40 CFR 265.52(f)

OK DF NI NA

see #2

2) Emergency Coordinator:

- a. Is the facility Emergency Coordinator identified? 40 CFR 265.52(d) ✓
- b. Is coordinator familiar with all aspects of site operation and emergency procedures? 40 CFR 265.55 ✓
- c. Does Emergency Coordinator have the authority to carry out the Contingency Plan? 40 CFR 265.55 ✓

No Written Plan: Owner and Local Manager have access to phone numbers for emergencies.

PREPAREDNESS AND PREVENTION

- 1) Has the owner or operator attempted to make arrangements with local authorities in case of an emergency at the facility? 40 CFR 265.37 (HWIMS 340) ✓
- 2) Are copies of the Contingency Plan available at the site and local emergency organizations? 40 CFR 265.53 (HWIMS 350) ✓ see #2
- 3) Emergency Procedures
- If an emergency situation has occurred at this facility, has the Emergency Coordinator followed the emergency procedures listed in 40 CFR 265.56 (329 IAC 3-18-7)? (HWIMS 350) ✓

Inactive Site

MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING:

- | | OK | DF | NI | NA |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|
| 1) Use of Manifest System: (HWIMS 360) | | | | |
| a. Does the facility follow the procedures listed in <u>265.71</u> for processing each manifest? (Particularly sending a copy of the signed manifest back to the generator within 30 days after delivery.) | — | — | — | ✓ |
| b. Are records of past shipments retained for three (3) years? <u>40 CFR 265.71(b)5</u> | — | — | — | ✓ |
| 2) Has the facility submitted copies of hazardous waste manifests to the Department within five (5) working days after receiving hazardous waste? (This requirements applies to both Indiana's and other states hazardous waste manifests)? | — | — | — | ✓ |
| 3) Does the owner or operator meet requirements regarding manifest discrepancies? (Off-site facilities only) <u>40 CFR 265.72</u> | — | — | — | ✓ |
| 4) Unmanifested Waste Reports: (applies only to Off-site facilities) | | | | |
| a. Has the facility accepted any hazardous waste from an off-site generator subject to 329 IAC 3.1-7-3 (3-8-1) without a manifest or shipping paper? <u>40 CFR 265.76</u> | — | — | — | ✓ |
| b. If "a" is yes, provide the identity of the source of the waste and a description of the quantity, type and date received for each unmanifested hazardous waste shipment. | — | — | — | ✓ |
| c. Has the facility submitted an unmanifested waste report within 15 days after receiving the waste? | — | — | — | ✓ |

No Wastes Manifested. Inactive Site

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------|---|----------|---|---|
| 5) Closure/Post Closure | | | | |
| a. Is the closure plan available for inspection? <u>40 CFR 265.112(a)</u> (HWIMS 390) | — | ✓ See #3 | — | — |
| b. Is the post-closure plan available for inspection? (for disposal facilities only) <u>40 CFR 265.118(a)</u> (HWIMS 390) | — | ✓ See #3 | — | — |
| c. Has the closure cost and post closure cost estimate been revised annually to account for inflation. (329 IAC 3.1-14-3) (HWIMS 400) | — | ✓ See #4 | — | — |

- | | OK | DF | NI | NA |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|
| 6) Operating Record: (HWIMS 370) | | | | |
| a. Does owner or operator have a operating record?
40 CFR 265.73(a) | ✓ | MP | | |
| b. Does the owner or operator maintain an operating record that contains the following information? | | | | |
| i. The method(s) and date(s) of each waste's treatment, storage, or disposal as required in 40 CFR 265 Appendix I (including tanks)?
40 CFR 265.73(b)(1) | ✓ | MP | | |

Summarize how the facility tracks the method and date of TSD activity.

Facility has not closed. Map has been submitted by owner to show Hazardous waste / Non-hazardous waste locations.

- ii. The location and quantity of each hazardous waste within the facility? (This information shall be cross referenced to a specific manifest number if the waste was accompanied by manifest.)
40 CFR 265.73(b)(2)

✓

Summarize how the facility tracks the location and quantity of waste.

Map shows location of Hazardous waste on site

- iii. A map or diagram of each cell or disposal area showing the location and quantity of each hazardous waste? (This information should be cross referenced to specific manifest number, if accompanied by a manifest.)
40 CFR 265.73(b)(2)

✓ no manifesting to cross refer

- iv. Records and results of all waste analyses, trial tests, monitoring data, and operating inspections?
40 CFR 265.73(b)(3)(5)(6)

✓

- v. Reports detailing all incidents that required implementation of the Contingency Plan?
40 CFR 265.73(b)(4)

✓

- vi. All closure and post closure costs as applicable?
40 CFR 265.73(b)(7)

✓

vii. Copies of LDR notifications and certifications?

40 CFR 265.73 b (11)(13)(15)

✓

GROUNDWATER MONITORING

40 CFR Subpart F

Complete this section for facilities that treat, store, or dispose of hazardous waste in landfills, surface impoundments and/or by land treatment.

- | | | <u>OK</u> | <u>DF</u> | <u>NI</u> | <u>NA</u> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------|-----------|-----------|
| 1) | Has the owner or operator of the facility implemented a groundwater monitoring system?
<u>40 CFR 265.90(a)</u> (HWIMS 380) | — | ✓ <i>see #5</i> | — | — |
| 2) | Has the owner or operator of the facility implemented an alternate groundwater monitoring system as described in <u>265.90(d)</u> ? (HWIMS 380) | — | ✓ <i>see #5</i> | — | — |

Water Samples have been taken from Blue Lake
but there has been no groundwater monitoring systems
put in place

APPENDIX GN

Complete this section if the owner or operator of a TSD facility also generates hazardous waste that is subsequently shipped off-site for treatment, storage, or disposal.

<u>Manifest Requirements:</u>		(HWIMS 110)	<u>OK</u>	<u>DF</u>	<u>NI</u>	<u>NA</u>
1)	Does the operator have copies of the manifest available for review? <u>40 CFR 262.40 (329 IAC 3.1-7-6)</u>					✓
2)	Examine manifests for shipments in past 6 months. Indicate approximate number of manifested shipments during that period				0	
3)	Do the manifest forms examined contain the following information. <u>40 CFR 262.21 (329 IAC 3.1-7-8)</u>					
a.	Manifest document number? EPA ID No. + Unique 5 digit No.? (five digit unique number)					✓
b.	Name, mailing address, telephone number, and EPA ID number of generator?					✓
c.	Name, telephone number (3.1-7-11) and EPA ID Number of Transporter(s)?					✓
d.	Name, Address, telephone number (3.1-7-11) and EPA ID Number of designated permitted facility?					✓
e.	The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?					✓
f.	The total quantity of waste(s) and the type and number of containers loaded?					✓
g.	Required certification?					✓
h.	Required signatures?					✓
i.	EPA hazardous waste numbers (3.1-7-11)?					✓
j.	Handling Codes (3.1-7-11)?					✓
k.	Additional waste numbers included in box J.					✓

In-Active site no hazardous waste shipments have been accepted

- | | <u>OK</u> | <u>DF</u> | <u>NI</u> | <u>NA</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|
| 4) For hazardous waste shipments to Indiana facilities (or hazardous waste shipments to states that do not supply manifests) has the generator used the Indiana Hazardous Waste Manifest?
<u>329 IAC 3.1-7-4</u> | — | — | — | ✓ |
| 5) Has the generator submitted copies of hazardous waste manifests to the Department within five (5) working days after shipping hazardous waste? (This requirement applies to both Indiana's and other states hazardous waste manifests).
<u>329 IAC 3.1-7-6</u> | — | — | — | ✓ |
| 6) Reportable exceptions:
<u>40 CFR 262.42</u> (HWIMS 180) | | | | |
| a. For manifests examined in (2) (except for shipments within the last 35 days), enter the number of manifests for which the generator has <u>NOT</u> received a signed copy from the designated facility within 35 days of the date of shipment. | | | | 0 |
| b. For manifests indicated in (4a), enter the number for which the generator has submitted exception reports (40 CFR 262.42) to the Commissioner. | | | | 0 |

INTERNATIONAL SHIPMENTS:

(HWIMS 190)

- | | <u>OK</u> | <u>DF</u> | <u>NI</u> | <u>NA</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|
| 1) Has the installation imported or exported hazardous waste?
<u>40 CFR 262.50</u>
(If answered Yes, complete the following as applicable.) | — | — | — | ✓ |
| a. Exporting hazardous waste; has a generator: | | | | |
| i. Notified the administrator and OSHWM/IDEM in writing? | — | — | — | ✓ |
| ii. Obtained the signature of the foreign consignee confirming delivery of the waste(s) in the foreign country? | — | — | — | ✓ |
| iii. Met the Manifest requirements? | — | — | — | ✓ |
| b. Importing hazardous waste; has the generator met the manifest requirements? | — | — | — | ✓ |

In-Active Site not Hazardous Waste accepted
From outside USA

LAND BAN NOTIFICATION REQUIREMENTS

(HWIMS 700)

- | | <u>OK</u> | <u>DF</u> | <u>NI</u> | <u>NA</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|
| 1) Does the operator have copies of LDR notifications available for review: <u>40 CFR 268.7</u> | — | — | — | ✓ |
| 2) Does the operator provide a notification to the TSD facility with each shipment, even if waste meets treatment standards? <u>40 CFR 268.7</u> | — | — | — | ✓ |
| 3) Does the notification include the following: (if possible, make copies of, or record information from notification(s) that do not contain the necessary information) <u>40 CFR 268.7</u> | — | — | — | ✓ |
| a. EPA hazardous waste number | — | — | — | ✓ |
| b. Treatment standards (for wastes other than F001-F005 and F039, treatment standards may be referenced by including sub-category, treatability group, and CFR sections and paragraph where treatment standards appear) | — | — | — | ✓ |
| c. Where treatment standards is specified technology, applicable five-letter treatment code? | — | — | — | ✓ |
| d. Manifest number | — | — | — | ✓ |
| e. If the waste meets treatment standards, or if alternate treatment standards for lab packs are specified, does it have proper certification statement? | — | — | — | ✓ |
| f. Waste analysis data, if available. | — | — | — | ✓ |
| 4) Has the generator retained on-site a copy of all notices, certifications, and other documentation produced pursuant to 268.7 for at least five (5) years? <u>268.7(a)(7)</u> | — | — | — | ✓ |

RECORDKEEPING AND REPORTING

- 1) Has the generator made a proper hazardous waste determination for all solid wastes generated at the facility, including correct LDR treatability group and treatment standard?
40 CFR 262.11 and 40 CFR 268.2

(HWIMS 100)

- a. If DF, list below:

Assigned Classification

Correct Classification

b. Which of the following methods does the generator employ for waste determination?

a) Knowledge of waste.

b) Analysis. Specify _____

2) Are all test results and analyses needed for hazardous waste determinations retained for at least three years?

40 CFR 262.40

(HWIMS 180)

OK DF NI NA

No Hazardous waste generated at facility. Facility is inactive

3) Has the generator submitted biennial reports as required? 329 IAC 3.1-7-14)

(HWIMS 180)

✓ ^{see #6} _____

Preparedness and Prevention:

Part 265 Subpart C

2) Maintenance and Operation of Facility (HWIMS 340, 810 spill)

OK DF NI NA

- a. Is there any evidence of fire, explosion, or release of hazardous waste or hazardous waste constituent?
40 CFR 265.31

✓

3) If required, does the facility have the following equipment:

(HWIMS 340)

- a. Internal communications or alarm systems?
40 CFR 265.32(a)
- b. Telephone or 2-way radios at the scene of operations?
40 CFR 265.32(b) & 40 CFR 265.34(b)
- c. Portable fire extinguishers, fire control, spill control equipment and decontamination equipment?
Are water hoses, foam equipment, automatic sprinklers or water spray equipment available? (Please specify)
40 CFR 265.32(c)

 ✓

 ✓

 ✓

- 4) Whenever waste is being handled do all personnel have immediate access to an alarm or communication device (thru another employee if always available)?

40 CFR 265.34(a)

(HWIMS 340)

 ✓

5) Testing and Maintenance of Emergency Equipment:

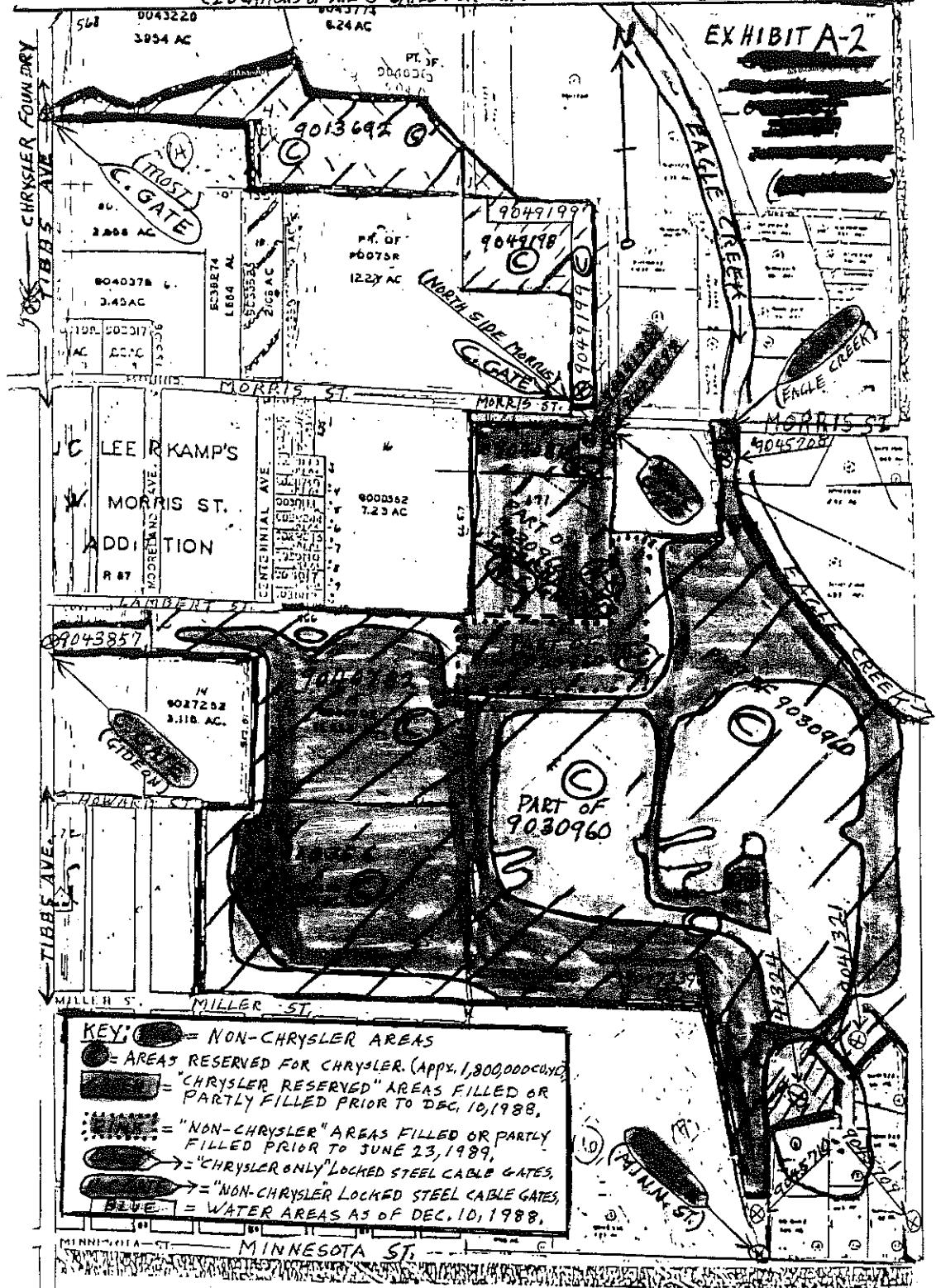
(HWIMS 340)

- a. Has the owner or operator established testing and maintenance procedures for emergency equipment?
40 CFR 265.33
- b. Is emergency equipment maintained in operable condition?
40 CFR 265.33

 ✓

 ✓

EXHIBIT A-2: ACTUAL RESERVED CHRYSLER AREAS OF DEPOSITS AS USED; AND LOCATIONS OF THE 5 GATES FOR CHRYSLER'S USE & THE ONLY NON-CHRYSLER GATE.



"Blue Lake" as used in this document and for the purposes of this Cause of Action means a part of the Southwest Quarter of Section 9 and a part of the Northwest Quarter of Section 16, all in Township 15 North, Range 3 East, Marion County, Indiana, more specifically depicted here as those properties outlined and shaded in red, and which consists of 83.16 acres more or less, and which is owned by Jackson D. Hurt and Blue Lake, Inc., as their interests appear of record.

3. If ignitable or reactive waste is not rendered non-ignitable or non-reactive is the waste containerized and managed in a manner which prevents ignition of the waste.
40 CFR 265.312(b) _____ ✓

Special Requirements for Incompatible Waste - Landfills

1. Does the operators place incompatible waste in separate cells. (See Appendix V for examples)
40 CFR 265.313 _____ ✓
2. If incompatible waste is placed in the same cell is the general requirements at 40 CFR 265.17(b) complied with.
40 CFR 265.313 _____ ✓

Special Requirements for Bulk and Containerized Liquids - Landfills

1. Has the facility complied with the prohibition against placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids in the landfill. 40 CFR 265.314(b)
2. Has the facility placed any non hazardous liquids in the landfill without permission of the commissioner.
40 CFR 265.314(f)
3. Has the facility complied with the requirements for containers holding free liquids: 40 CFR 265.314(c)
a. All free liquids have been removed , or
b. has been mixed with absorbant or solidified, or
c. only containers designed to hold free liquids for use other than storage have been accepted (e.g. capacitors, lab packs (see 40 CFR 265.316)) _____ ✓
4. Does the facility use the "Paint Filter Liquids Test" to check for the presence of free liquids according to the procedures specified in their waste analysis plan.
40 CFR 265.314(d) _____ ✓

Hazardous Waste/Doog
sludge.
Chrysler waste water
sludge deposited from
1967 - 1974

Special Requirements for Containers - Landfills

1. With the exception of very small containers such as ampules are all containers at least 90% full when placed in the landfill 40 CFR 265.315(a) _____ ✓
2. If not 90% full are the containers crushed, shredded, or similarly reduced in volume before burial in the landfill.
40 CFR 265.315(b) _____ ✓

No Containers observed on
site
Page 23

Lab Packs - Landfills

OK DF NI NA

1. Has the facility placed in the landfill only lab packs which have been packaged and prepared in accordance with 40 CFR 265.316.

— — — — ✓

LDR Requirements - Landfills

(HWIMS 700)

1. Does the facility, in accordance with an acceptable waste analysis plan, test prohibited wastes prior to land disposal to ensure that all applicable treatment standards and/or prohibition levels have been met?
40 CFR 268.7(c)(2)

— — — — ✓

2. Does the facility test wastes to ensure that they do not exhibit any characteristic at the point of disposal?
40 CFR 268.9(c)

— — — — ✓

3. Does the facility land dispose of restricted wastes with a National Capacity Variance, Case-by-Case Extension, No-Migration Petition, or Treatment Standard Variance?
40 CFR 268.5, .6, .44

— — — — ✓

4. If "yes" to question #3, does operating record specify quantities, date of placement, copy of notification, and do disposal units meet requirements of 40 CFR 268.5(h)(2)?
40 CFR 264.73(b)(10)

— — — — ✓

General Facility Standards

- 1) Security - Do security measures include: (HWIMS 300)
(If applicable)

See 40 CFR 265.14 for the following:

- a. 24- hour surveillance?

— — — — ✓

or

- b. i. Artificial or natural barrier around facility?

MP / ✓ ~~sect 7~~

and

- ii. Controlled entry?

✓ — — — —

- c. Danger sign(s) at entrance?

✓ — — — —

Perimeter of site has mounds of earth and construction debris (concrete) and entrances are locked. However, property can be accessed on foot, motorcycle, or bicycle by surrounding neighbors.

LANDFILLS

40 CFR 265 Subpart N, 329 IAC 3.1-10-1
(HWIMS 460)

General Operating Requirements

- | | <u>OK</u> | <u>DF</u> | <u>NI</u> | <u>NA</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|
| 1) Does the facility maintain a proper run-on control system?
<u>40 CFR 265.302 (a)</u> | — | — | — | ✓ |
| 2) Does the facility maintain a proper run-off system?
<u>40 CFR 265.302 (b)</u> | — | — | — | ✓ |
| 3) Are run-off and run-on collection and holding facilities managed or emptied expeditiously after storms?
<u>40 CFR 265.302 (c)</u> | — | — | — | ✓ |
| 4) Is wind dispersal of hazardous waste managed?
<u>40 CFR 265.302 (d)</u> | — | — | — | ✓ |

Please describe run-on and run-off control activities or any problems noted.

No problems observed with Run-off

Surveying and Recordkeeping

1. Does the operating record include:
 - a. a map, showing the exact dimensions including depth, of each cell with respect to permanent surveyed benchmarks.
40 CFR 265.309(a)
 - b. the contents of each cell and approximate location of each hazardous waste type within each cell.
40 CFR 265.309(b)

In-Active Site. No Hazardous waste established
 MP ——— ✓
 MP ——— ✓

Special Requirements - Ignitable and Reactive Waste - Landfills

1. Is all ignitable or reactive waste treated, or otherwise rendered non-ignitable or non-reactive before or immediately after placement in the landfill.
40 CFR 265.312(a)
2. Are the general requirements for treatment of ignitable waste at 40 CFR 265.17(b) complied with. (e.g. Prevention of fires, explosions, toxic fumes, integrity of treatment devices, or threats to human, health, and environment, etc.)
40 CFR 265.312(a)

- 6) Does the owner or operator maintain adequate aisle space for the movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment? (This applies to access for this equipment to reach hazardous waste management areas)

40 CFR 265.35

(HWIMS 340)

_____ ✓

This facility is not an active site at this
time.

PREINSPECTION FILES AUDIT
CHECKLIST

DATE: 12/29/92

BY: MLP

COMPANY: Blue Lake Inc.

LOCATION: 3023 W. Morris

I.D.#: INO/046/107/157

Type of inspection: G--T--~~(TSD)~~ Closure--Complaint--Other (please specify)

A. GENERAL

	<u>YES</u>	<u>NO</u>	<u>NA</u>
1. FEDERAL NOTIFICATION ON FILE?	---	---	---
2. FEDERAL PART A ON FILE?	---	✓	---
3. CLOSURE PLAN REVIEWED?	---	✓	---
4. CONTINGENCY PLAN REVIEWED?	---	✓	---
5. BIENNIAL REPORT REVIEWED?	---	✓	---
*6. PART B PERMIT REVIEWED?	---	---	---

*(Note any Special Permit Conditions)

Comments:

In-active Facility undergoing
litigation for Hazardous Waste on site

B. NOTIFICATION DATA (Notify type, waste codes listed, etc.)

D006-D008 UWT Sludge

C. LAND DISPOSAL INFORMATION

1. List Waste and Land Disposal Facility

_____	_____
_____	_____
_____	_____

D. LIST POSSIBLE WASTE STREAMS NOT LISTED ON BIENNIAL REPORT

None

E. LIST WASTE MANAGEMENT PRACTICES WHICH MAY REQUIRE A PERMIT

Land Fill For Construction Debris

F. FEDERAL PART A (Handling Codes), OR PART B PERMIT

	<u>Code</u>	<u>Amount</u>	<u>Unit of Measure</u>
1.	<u>0006 - 0008</u>	<u>Unknown</u>	<u>yd³</u>
2.	<u> </u>	<u> </u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>

Are there any discrepancies regarding multiple Part A submittals?

G. CLOSURE/POST-CLOSURE

1. Are there any closed units? If yes, describe.

H. COMPLIANCE HISTORY

List past ~~two~~ inspections and enforcement actions (CO, NOV, VL, WL)

<u>Date of Inspection</u>	<u>Action Type</u>	<u>Date of Action</u>
<u>12-2-91</u>	<u>SCF</u>	<u> </u>
<u>3-28-91</u>	<u>SCF</u>	<u> </u>

} Administrative Ord.
N-238
Pending
from June 19⁹¹

I. LIST UNRESOLVED ENFORCEMENT ACTIONS/VIOLATIONS

AO N-238 - June 28, 1987

J. BRIEFLY SUMMARIZE PREVIOUS VIOLATIONS. NOTE IF THEY ARE REPEATS.

No change

K. LIST ANY ITEMS UNDER COMPLIANCE SCHEDULES WHICH ARE NOT YET COMPLETED OR NEED FIELD VERIFIED, INCLUDING WASTE MINIMIZATION REQUIREMENTS IN ENFORCEMENT ORDER AND SETTLEMENT AGREEMENTS.

L. COMMENTS

In-active Hazardous Waste Landfill DO065 + DO08
WWT sludge dumped



Indiana Department of Environmental Management

VERIFICATION OF INSPECTION

This is to verify that on 12-30-91 + 1-7-93 an inspection of Blue Lake

Incorporated was conducted by the

undersigned representatives of the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management. The inspection was conducted to determine compliance with the Resource Conservation and Recovery Act (RCRA), IC 13-7, and rules promulgated pursuant to those statutes.

A summary of violations and concerns noted during the inspection were verbally communicated to the undersigned company representatives during the inspection. The company is encouraged to correct deficiencies as soon as possible. Corrections made and verified during the inspection may still be cited as violations; however, prompt action will be taken into consideration in determining the resolution to any enforcement action which may be taken.

Your company will be sent a preliminary summary of the violations identified as a result of the inspection within thirty (30) days of the inspection. The summary may identify violations not noted during the inspection if they surfaced as a result of a more extensive analysis of the rules or further review of records in the possession of the Department. The company is encouraged to contact the inspector to clarify any misunderstandings which you believe may be reflected in the inspection summary.

IDEM: Printed Name	Signature	Position	Phone #	Date
Mike Penington	<i>Mike Penington</i>	Environ. Sci. II	233-4994	1-7-93

Company: Printed Name	Signature	Position	Phone #	Date
BLUE LAKE, INC.	<i>Jack Hunt</i>	President	247-7158	1-7-93

Company Mailing Address

3023 W. MORRIS ST., Suite 0-0
INDIANAPOLIS, IN. 46241

Description of Violations
Blue Lake, Inc.
IND 046107157

Inspection of December 30, 1992

Violation status remains unchanged. See Administrative Order N-238, and additional security violations noted in the March 28, 1992, inspection. Present inspection and Description of Violations have been developed to reflect, as closely as possible, the present site status as a TSD facility.

1. Page 10 40 CFR 265.15(d)
Inspection log had not been maintained showing time of inspection, name of inspector, notation of observations, and date and nature of any repairs.
2. Page 12 40 CFR 265.51, 265.53, 265.56, and 265.52(e)
and
Page 13 Facility did not have a contingency plan developed.
3. Page 14 40 CFR 265.112(a), 265.118(a)
Closure/Post-Closure Plan had not been developed.
4. Page 14 329 IAC 3.1-14-3 and 40 CFR 265.73(b)
and
Page 15 Closure and Post Closure cost estimate had not been established and revised annually for inflation.
5. Page 16 40 CFR 265.90(a) and 265.90(d)
Groundwater and alternate groundwater monitoring system had not been implemented.
6. Page 20 329 IAC 3.1-7-14
Biennial Report had not been submitted.
7. Page 24 40 CFR 265.14
Artificial and natural barriers did not keep neighborhood foot, bicycle, and motorcycle traffic from entering property.

Gromnicki
3-2492

B. Kiger

151
GENTSD/TRANS

RCRA LAND DISPOSAL RESTRICTIONS INSPECTION

RECEIVED

MAR 24 1992

I. General Information

Facility: Blue Lake Landfill
U.S. EPA ID No.: IND 046107157
Street: ~~1111~~ 3023 West Morris St.
City: Indpls State: IN Zip: 46241
Telephone: (317) 241-2647

OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

Inspection Date: 12-12-92 Time: 8:30 (am/pm)
Weather Conditions: 30's

Name	Agency/Title	Telephone
Christina Halloran	IDEM	(317) 232-8552

Facility Representatives: Mrs Gladys Traxell office manager -
Mobile home office closed at the time of
inspection - No Representative present.

See Appendix B to determine which of the following LDR waste categories the facility manages:

	<u>Generate</u>	<u>Transport</u>	<u>Treat</u>	<u>Store</u>	<u>Dispose</u>
F001-F005 Solvents	_____	_____	_____	_____	_____
F020-F023 and F026-F028	_____	_____	_____	_____	_____
California List*	_____	_____	_____	_____	_____
First Third [40 CFR 268.10]	_____	_____	_____	_____	_____
Second Third [40 CFR 268.11]	_____	_____	_____	_____	_____
Third Third [40 CFR 268.12]	_____	_____	_____	<u>✓</u>	<u>✓</u>

* See Appendix A

INSPECTION SUMMARY

Processes That Generate LDR Wastes:

Prior to 1984 the site ~~formerly~~ accepted hazardous ^{WWT} sludge (D006/D008) from the Chrysler Foundry.

LDR Waste Management:

The site has been operated as a solid fill site since 1927 and has been allowed to take foundry sands and demolition materials. The facility is not allowed to accept sludges, liquid wastes, wood or trash. The Chrysler Corporation, prior to 1984, ~~have~~ ~~been~~ deposited wastewater treatment sludge at Blue Lake (since the construction of their waste water treatment plant in 1967). The appropriate RCRA regulations were followed.

Summary:

An Administrative Order, Cause No. N-238, was issued to the facility and other responsible parties. The Order was signed on June 28, 1987 and was appealed by the Respondent. No further action has been taken at this time. The facility has never had interim status to accept Hazardous Waste. The enforcement action includes a request for submittal of a closure/post closure plan for Blue Lake facility. Ecology and Environment, Inc. (E + E) Field Investigation Team (FIT) was tasked by the USEPA to conduct a screening site inspection (SSI) under contract number 68-01-7347. The SSI was conducted May 15, 1991.

Signature:

Christina Halloran

(Continued →)

The ISI included the collection of 10 soil, sludge, and sediment samples and 3 residential well samples.

The Site Investigation staff and the Office of Emergency Response of this office have also been involved.

RCRA LAND DISPOSAL RESTRICTIONS INSPECTION

II. WASTE IDENTIFICATION

A. List waste codes which the facility handles in each of the following LDR categories*:

1. F001 through F005 spent solvents:

2. F020-F023 and F026-F028 dioxin-containing wastes:

3. California List Wastes (See Appendix A):

4. First Third Wastes [40 CFR 268.10]:

5. Second Third Wastes [40 CFR 268.11]:

6. Third Third Wastes [40 CFR 268.12]**:

D006 D008

*See Appendix B.

** Note: Effective 09/25/90, large quantity generators and TSDs are required to use the toxicity characteristic leaching procedure (TCLP) instead of the extraction procedure (EP) for determining the toxicity characteristic (TC). Small quantity generators must comply with this new requirement by 03/29/91. Wastes which exhibit TC, but do not exhibit EP, will be considered "newly identified" wastes. They will be regulated under 40 CFR Part 268 only after they are evaluated by U.S. EPA, even if they are characteristic for a constituent previously covered under the EP toxicity characteristic [55 FR 22531].

B. Waste Code Determination

1. Have all wastes been correctly identified for purposes of compliance with 40 CFR Part 268?*

Yes 3 No

If no, list below:

Assigned ClassificationCorrect Classification

*Areas of concern include: California List/waste categories with more stringent treatment standards; listed/characteristic; multi-source/single-source leachate; P and U waste codes/F and K wastes; and waste code carry through principle.

Comments:

2. Have both the listed and characteristic waste code been assigned, where a listed waste exhibits a characteristic? [40 CFR 268.9(a)]

Yes ☐ No ☐ NA ☒

Comments _____

3. Has multi-source leachate been assigned the F039 waste code?* [40 CFR 261.31]

Yes ☐ No ☐ NA ☒

*Leachate derived exclusively from F020-F023 and/or F026-F028 dioxin wastes retains the individual waste codes.

If yes, was single-source leachate combined to form multi-source leachate? [55 FR 22623]

Yes ☐ No ☐

Comments _____

C. Does the facility handle the following wastes (national capacity variances)?

1. F001-F005 contaminated soil and debris resulting from a CERCLA response action or a RCRA corrective action (expires - 11/08/90). [40 CFR 268.30(c)]

Yes ☐ No ☒ List _____

2. Dioxin contaminated soil and debris resulting from a CERCLA response action or a RCRA corrective action (expires - 11/08/90). [40 CFR 268.31(b)]

Yes ☐ No ☒ List _____

3. California list contaminated soil and debris resulting from a CERCLA response action or a RCRA corrective action (expires - 11/08/90). [40 CFR 268.32(d)(2)]

Yes ☐ No ☒ List _____

4. K048-K052 petroleum wastes (nonwastewaters; expires - 11/08/90). [40 CFR 268.35(b)]

Yes ☐ No ☒ List _____

5. Soil and debris contaminated with wastes that had treatment standards based on incineration set in the Second Third rule - F010, F024, K009, K010, K011, K013, K014, K023, K027, K028, K029, K038, K039, K040, K043, K093, K094, K095, K096, K113, K114, K115, K116, P039, P040, P041, P043, P044, P062, P071, P085, P089, P094, P097, P109, P111, U028, U058, U069, U087, U088, U102, U107, U190, U221, U223, U235 (expires - 06/08/91). [40 CFR 268.34(d)]

Yes ☐ No ☒ List _____

